



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,758	03/02/2005	Johan Massee	M26.12-0013	1112
27367 7590 08/06/2008 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3244				
EXAMINER				
TOLAN, EDWARD THOMAS				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,758

Applicant(s)

MASSEE, JOHAN

Examiner

EDWARD TOLAN

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment, 4-28-2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-16, 19-22 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-16, 19-22 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,6-10,13-16,19,20,22 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Koizumi (JP 59-193724). Koizumi discloses a method of manufacturing a workpiece (4) into a product having various diameters in which the workpiece is clamped in a device (2) and rotated by a spindle (1) relative to first (14), second (15) and third (16) roller tools that are mounted on a common holder (7). The holder is attached to an x-y carriage (5,6). The workpiece is deformed by the first tool (14) which is placed into contact with the workpiece and moved along the workpiece axis of rotation. The second tool (15) is placed into contact with the workpiece at a position behind the first tool and deforms the workpiece and thereafter the third roller (16) works the workpiece. The common holder is rotated about an axis that crosses (is inclined to) the workpiece axis of rotation. Regarding claims 7 and 14, in figure 1 Koizumi shows two holders having roller tools (10) that are moved relative to one another during working. Regarding claims 9 and 10, tensile force is varied as the different shaped rollers (14,15,16) come into contact with different positions on the workpiece.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,6-11,16,19-22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamstra et al. (6,442,988) in view of Gronert et al. (4,951,490). Hamstra discloses a metal cylindrical workpiece (10) having various diameters (11,28) wherein the workpiece (10) is clamped down by a clamping device (16) and the workpiece and a first roller tool (20a) are rotated relative to each other (column 3, lines 20-29). The workpiece is deformed by the first tool while the workpiece is moved along its axis of rotation. A second roller forming tool (20b) is placed into contact with the workpiece at a position behind the first tool (figs. 5A,5B). A tensile stress is produced between the roller tools and a mandrel (22) having a cylindrical region (23) and a tapered region (24). Hamstra does not disclose that the roller forming tools are on a common holder. Gronert teaches that it is known to have a roller holder (20,25) for roller tool groups (1-4). Each roller tool group (1-4) has roller portions one behind the other engaging workpiece portions at different longitudinal portions of the workpiece and are radially adjustable (column 3, lines 35-40 and column 8, lines 1-15). The roller tool sets (1-4) of Gronert are radially movable during forming in relation to one another. It

would have been obvious to one skilled in the art the time of invention to mount the roller tools of Hamstra on a common holder as taught by Gronert in order to move the roller tools radially as a unit.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamstra et al. (6,442,988) in view of Gronert and further in view of Jenness (6,212,926). Hamstra in view of Gronert does not disclose end closing of the tubular product. Jenness teaches that it is known to use a rolling tool (26) to close a tube end. It would have been obvious to one skilled in the art at the time of invention to close the end of the tube of Hamstra in view of Gronert as taught by Jenness in order to produce a closed container.

Response to Arguments

Applicant has argued that Sakakibara's lathe does not meet "holder". The Examiner does not agree and reiterates that Sakakibara is broadly read as a holder. Nevertheless, to respond to Applicant's amendment filed 4-28-2008 previously cited Gronert et al. (4,951,490) is used as a teaching reference to modify Hamstra. Applicant's contention is that Hamstra does explicitly state a common holder. Gronert teaches roll holders (20,25) having multiple roll groups (1-4) and teaches radial adjustment (column 3, lines 35-40 and column 8, lines 1-15. The roll tool sets of Gronert are radially movable during forming in relation to one another.

Koizumi has been used as a new rejection in order to respond to Applicant's amendment of 4-28-2008 wherein Koizumi discloses that a holder is rotated relative to a workpiece about an axis of rotation and the holder is at an angle which crosses the workpiece axis of rotation and is moved along the workpiece to deform it.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

/Edward Tolan/

Primary Examiner, Art Unit 3725

